

*Congress of the United States
Washington, DC 20515*

July 26, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Secretary of Homeland Security
3801 Nebraska Ave NW
Washington, D.C. 20528

Acting Director Tae D. Johnson
U.S. Department of Homeland Security
Immigration and Customs Enforcement
Office of the Director
500 12 Street, SW
Washington, DC 20536

Dear Secretary Mayorkas and Acting Director Johnson,

Thank you for taking the time to respond to my letter requesting that the Student and Exchange Visitor Program (SEVP) immediately provide 2020 data on Student and Exchange Visitor Information System (SEVIS). While I am grateful for your attention to my previous correspondence, I also write to you with great disappointment as the requests and concerns listed out by my fellow colleagues and I were not clearly addressed.

There is truth to your point: listing all OPT employers might result in fake employers changing their practices to increase concealment of their fraud; however, we must first understand that these “fake employers” appear to be individuals who have conspired with hundreds of foreign nationals to input fake information into the SEVIS. For example, media reports suggest there are ringleaders who may be guiding foreign students on how to falsify information.¹

To combat this, ICE should first arrest conspirators as they are convicted of fraud before they can begin new fake companies. Second, there is no evidence that publishing SEVIS data publicly in the past resulted in much change, as you suggested was a leading reason to not publishing the SEVIS data for the year 2020. Third, the problems that we are mentioning indicate that there are significant flaws within our OPT program. It is essential that the SEVP provide pure transparency so that phony employers may be determined and investigated. The fraud in the top 200 employers list was detected in previous years because many people put the same phony employer’s name into SEVIS and those “fake employers” rose to the top. It is guaranteed that ICE is missing many additional fake employers at the bottom of the list as well. On June 17, 2021, I introduced H.R. 3983 – Responsible Practical Training Act of 2021 that aims to make the OPT program more manageable and responsible.

¹ <https://www.nbcbayarea.com/news/local/thousands-of-foreign-students-may-have-overstayed-visas-through-employment-at-shell-companies/2178507/>

The refusal and lack in transparency from the SEVP on 2020 data is unacceptable as the Optional Practical Training Program (OPT) poses significant national security issues. Over the past few years lucidity on SEVIS data has remained an expectation on Capitol Hill. Accurate data ensures proper oversight and the reduced transparency on 2020 data stands in direct opposition to SEVP's pledge to "ensure transparency into OPT data and compliance via @ICE.gov and Study in the States".

Once again, I request the following information be provided to me no later than 30 days after receipt of this letter:

- "2020 Top 200 Employers for STEM OPT": Top 200 employers for students participating in STEM OPT by the number of students employed at each employer, in calendar year 2020, including the city and zip code of each employer's location.
- "2020 Top 200 Employers for CPT Students": Top 200 employers for students participating in Curricular Practical Training (CPT), by the number of students employed at each employer, in calendar year 2020, including the city and zip code of each employer's location.
- "2003 – 2020 Top 200 Employers for Pre- and Post-Completion OPT Students": Top 200 employers for students participating in pre- and post-completion OPT, by the number of students employed at each employer, in calendar years 2003 through 2020.
- "2008 – 2020 Top 200 Employers for STEM OPT Students": Top 200 employers for students participating in STEM OPT, by the number of students employed at each employer, in calendar years 2008 through 2020.
- "2003 – 2020 Top 200 Employers for CPT Students": Top 200 employers for students participating in CPT, by the number of students employed at each employer, in calendar years 2003 through 2020.
- "Top 500 Program Sponsors of New Exchange Visitors in Calendar Year 2020": Top 500 institutions or organizations designated to sponsor exchange visitors ranked by the total number of exchange visitors, including the city and zip code of each sponsor's location

In addition to this request, I also call for more information:

- The complete list of all OPT employers contained in SEVIS, ranked by total number of employees. The list should include the total number of OPT employees and the city and zip code of each employer's location as reported in SEVIS;
- The complete list of all STEM OPT employers contained in SEVIS, ranked by total number of employees. The list should include the total number of STEM OPT employees and the city and zip code of each employer's location as reported in SEVIS;

- The complete list of employers that are being actively investigated and the types of charges that are being considered; and
- A list of FBI contacts involved in the active investigations referenced by SEVP.

Our Founding Fathers envisioned a limited government with full transparency so that its existence would stand solely for the purpose of meeting the needs of the people who elected those that were in power, not the interests of foreign governments abusing our generous immigration system. The refusal to disclose clear SEVIS data for the year 2020 lies in direct opposition of this founding vision, and it is impermissible.

Furthermore, it is the administration's job to provide this data, as it has been made public for years in the past.

The reasons that you provided for keeping the previously requested information private are not acceptable, and I again request that you make this data known to the public as it is your responsibility.

Again, your instantaneous attention and response on this matter is appreciated.

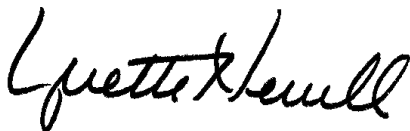
Sincerely,



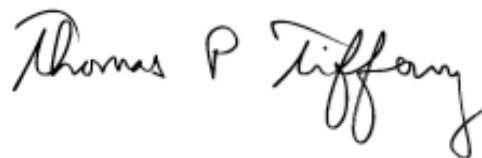
Madison Cawthorn
Member of Congress



W. Gregory Steube
Member of Congress



Yvette Herrell
Member of Congress



Tom Tiffany
Member of Congress

A handwritten signature in blue ink, reading "Louie Gohmert". The signature is written in a cursive style with a large, stylized "L" and "G".

Louie Gohmert
Member of Congress

A handwritten signature in blue ink, reading "Paul A. Gosar". The signature is written in a cursive style with a large, stylized "P" and "G".

Paul Gosar
Member of Congress

A handwritten signature in blue ink, reading "Andy Biggs". The signature is written in a cursive style with a large, stylized "A" and "B".

Andy Biggs
Member of Congress